

Message Text

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ACTION EUR-25

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FM USMISSION BERLIN

TO AMEMBASSY BONN IMMEDIATE

INFO SECSTATE WASHDC 3872

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AMEMBASSY PARIS

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C O N F I D E N T I A L BERLIN 1470

E.O. 11652: GDS

TAGS: PGOV WB GW

SUBJECT: NPD

REFS: A) BERLIN 1467 (NOTAL); B) BERLIN 1453

1. AUGUST 27 BERLIN NEWSPAPERS REPORT THAT NPD HAS FILED SUIT AGAINST SENAT IN BERLIN ADMINISTRATIVE COURT. SKETCHY INFORMATION AVAILABLE IS BASED ON NPD PRESS STATEMENT SINCE SENAT TELLS US IT HAS NOT YET EVEN RECEIVED FORMAL COURT NOTICE. REMEDY SOUGHT BY NPD, HOWEVER, IS APPARENTLY INJUNCTION AGAINST SENAT'S "UNCONSTITUTIONAL" MEASURES THAT HAVE RESULTED IN ALLIED BANS ON NPD ACTIVITIES IN PAST. NPD SAYS IT EXPECTS SI ILAR ACTION IN FUTURE AND THAT SUCH RESTRICTIVE MEASURES WOULD GIVE IT CAUSE TO QUESTION MARCH 1975 ELECTION IN COURT. NPD ALSO SAYS IT HAS ASKED COURT TO REQUIRE SENAT TO JUSTIFY ITS PREVIOUS RECOMMENDATIONS TO ALLIES THAT PARTY'S ACTIVITIES BE BANNED AS THREAT TO PUBLIC ORDER.

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2. NPD SUIT STRIKES US AS ESSENTIALLY PUBLICITY GIMMICK. PARTY IS ON WEAK LEGAL GROUND IN CHALLENGING EITHER ALLIED ORDER OR PRIVILEGED NATURE OF COMMUNICATIONS BETWEEN ALLIES AND SENAT. WE EXPECT JUDGE TO DISMISS SUIT OUT OF HAND FOR WANT OF JURISDICTION, OR TO ASK ALLIES UNDER ALLIED KOMMANDATURA LAW 7 FOR PERMISSION TO EXERCISE JURISDICTION, OR TO ASK ALLIES FOR DEFINITIVE RULING AS TO WHETHER CASE INVOLVES ISSUES AFFECTING ALLIED "RIGHT OF CONTROL", WITH RESPECT TO WHICH LAW 7 FORBIDS GERMAN COURT FROM EXERCISING JURISDICTION WITHOUT ALLIED AUTHORIZATION. IN LATTER TWO EVENTUALITIES, WE WOULD FORBID COURT FROM GOING FURTHER. BRITISH AND FRENCH AS WELL AS SENAT ARE IN FULL AGREEMENT.

3. SUIT DOES SUGGEST, HOWEVER, DESIRABILITY OF MOVING ALONG WITH OUR BAN ON PARTY'S CANDIDACTY AS WELL AS ELECTION CAMPAIGN ACTIVITY. FRENCH MISSION HAS APPROVED DRAFT BK/O AND BK/L BANNING ELECTION PARTICIPATION AND PUBLIC ACTIVITIES DURING CAMPAIGN IN RESPONSE TO TRIGGERING LETTER FROM GOVERNING MAYOR. UK MISSION INDICATES IT STILL REQUIRES EMBASSY CLEARANCE BUT THAT IT PREPARED TO WORK OUT SCENARIO HERE WITH VIEW TO MEETING SEPTEMBER 1 DEADLINE.

4. SINCE ABOVE WRITTEN, SOVIET EMBASSY ACTING COUNSELOR HAS REQUESTED MEETING WITH CHAIRMAN (US) POLAD AUGUST 28. WE HAVE PUT HIM OFF BUT URGE PROMPT CONCURRENCE IN PROPOSED ACTION SO AS NOT TO APPEAR TO RESPOND TO SOVIET DEMARCHE (IF NPD TURNS OUT TO BE HIS SUBJECT).KLEIN

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*** Current Classification *** CONFIDENTIAL

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